

CITY COUNCIL EVENING AGENDA

JUNE 21, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

7:05 p.m. - Public Hearings, Council Chambers, City Hall

General Plan Hearings, Council Chambers, City Hall

Absent – Council Members: None.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the Mount Pleasant High School Cardinal Quill Literary Magazine for winning the National Scholastic Press Association's Pacemaker Award, considered the Pulitzer Prize of student journalism. (Campos)
(Rules-in-lieu referral 6/8/05)

HEARD IN THE EVENING

Council Member Campos and Mayor Gonzales presented a commendation to the Mount Pleasant High School Cardinal Quill Literary Magazine for winning the National Scholastic Press Association's Pacemaker Award, considered the "Pulitzer Prize" of student journalism.

- 1.2** Presentation of commendations to the Home Composting Program, Ken Kelly and Sarah Smith, for educating the residents of San José about the uses of home composting systems and for establishing a group of volunteers dedicated to spreading awareness about composting. (LeZotte)
(Rules-in-lieu referral 6/8/05)

HEARD IN THE EVENING

Mayor Gonzales and Council Member LeZotte presented commendations to Ken Kelly and Sarah Smith of the Home Composting Program for 10 years of educating residents of San José about home composting systems and for establishing a group of volunteers dedicated to spreading awareness about composting.

- 1.4** Presentation of a commendation to Richard Cristina for donating a garbage truck to Baja Sur, Mexico. (Lezotte/Campos)

HEARD IN THE EVENING

Council Member LeZotte and Council Member Campos joined Mayor Gonzales at the podium to present a commendation to Richard Cristina for his donation of a garbage truck to Baja Sur, Mexico and for his commitment to environmental responsibility.

1 CEREMONIAL ITEMS

- 1.6 Presentation of a commendation to Dr. Tae Yun Kim for her career of dedication and service to the people of our community. (Mayor)
(Deferred from 6/14/05 – Item 1.3)

HEARD IN THE EVENING

Mayor Gonzales and Council Member Reed presented a commendation to Dr. Tae Yun Kim for dedication and service to the people of San José.

- 1.8 Presentation of a commendation to the City Year San José/Silicon Valley for their outstanding service to the Silicon Valley. (Cortese)

TO BE HEARD IN THE EVENING

Council Member Cortese joined Mayor Gonzales to present a commendation to the City Year San José/Silicon Valley for their outstanding service to the Silicon Valley.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.4 **Public Hearing and adoption of a resolution on the reorganization of territory designated as McKee No. 127.**

Recommendation: Public Hearing and adoption of a resolution on the reorganization of territory designated as McKee No. 127 which involves the annexation to the City of San José of 4.79 gross acres of land, located at the north side of McKee Road approximately 380 feet easterly of Toyon Avenue and the detachment of the same from the approximately special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation Districts 2-3. CEQA: Exempt. Council District 5. (Planning, Building and Code Enforcement)

HEARD IN THE EVENING

Continued to 8/16/05. (Notes: Rules Committee subsequently placed this item on the 6/28/05 Council agenda to avoid delay and harm to the applicants.)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board reconvened to consider Item 10.7 in a Joint Session at 8:02 p.m.

- 10.7 Authority to execute a Cooperation Agreement and amend the Inclusionary Housing Policy by the City and Agency and authority for the Agency to execute a Development Agreement with Hitachi in connection with an area generally bounded by Cottle Road to the west, Monterey Highway to the east, State Route 85 and Manassas Road to the south and otherwise know as the Hitachi Campus (5600 Cottle Road).**

Recommendation:

HEARD AFTER 12.8(g) IN THE EVENING

- (a) Approval of the following actions by the City Council:
- (1) Approval of an Amendment to the Edenvale Cooperation Agreement between the City and Redevelopment Agency adding triggers for construction of certain infrastructure improvements; and
Approved.
 - (2) Adoption of a resolution approving a change to the City/Agency Inclusionary Housing Policy to allow an exception for development agreements provided the development agreement includes an affordable housing plan which provides at least the same number of affordable units as required under the Inclusionary Housing Policy and provides greater affordability for those units.
Resolution No. 72770 adopted.
- (b) Approval of the following actions by the Redevelopment Agency Board:
- (1) Adoption of a resolution authorizing the Executive Director to execute, subject to execution by the City, a Development Agreement by and among the City, the Redevelopment Agency and Hitachi;
Agency Resolution No. 5627 adopted.
 - (2) Approval of an Amendment to the Edenvale Cooperation Agreement between the City and Redevelopment Agency adding triggers for construction of certain infrastructure improvements; and
Approved.
 - (3) Adoption of a resolution approving a change to the City/Agency Inclusionary Housing Policy to allow an exception for development agreements provided the development agreement includes an affordable housing plan which provides at least the same number of affordable units as required under the Inclusionary Housing Policy and provides greater affordability for those units.
Agency Resolution No. 5628 adopted.

The Redevelopment Agency Board portion of the meeting adjourned at 8:03 p.m.

- **Open Forum—**

- 1) **Danielle Fedor shared information on a newly formed non-profit, Friends of the Mounted Horse Unit.**

11 PUBLIC HEARINGS

11.1 Public Hearing on an ordinance amending Chapter 20.20, Chapter 20.30, Chapter 20.40, Chapter 20.50, Chapter 20.80, Chapter 20.100, and Chapter 20.200 of Title 20 of the San José Municipal Code.

Recommendation: Public Hearing on and consideration of approval of an ordinance amending Chapter 20.20, Chapter 20.30, Chapter 20.40, Chapter 20.50, Chapter 20.80, Chapter 20.100, and Chapter 20.200 of Title 20 of the San José Municipal Code to streamline the review process for wireless communications antennas. CEQA: Exempt, PP05-085. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

Citywide

(Continued from 6/7/05 – Item 11.3)

Dropped – Council action taken on 6/7/05.

11.2 Public Hearing on Planned Development Rezoning from IP District to IP(PD) District located at 800 Embedded Way.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP District to IP(PD) District to allow indoor recreational uses in an existing 246,302 square-foot industrial building on a 16.4 gross-acre site, located at/on the southwest corner of Hellyer Avenue and Embedded Way (Branham Way East) (800 Embedded Way) (Carl E. Berg, Owner and Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1-0).

PDC05-004 - District 2

(Continued from 6/7/05 – Item 11.8)

Heard after 12.1(a)(1). Council action taken under 12.1(a)(2).

11.3 Public Hearing on Conventional Rezoning and consideration of an ordinance from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District, located at 257 Younger Ave.

Recommendation: Public Hearing and consideration of an ordinance on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of Younger Avenue and North 6th Street (257 E. Younger Ave.) (Roy Family Partnership, Owner). Director of Planning, Building and Code Enforcement recommend denial and Planning Commission forwards no recommendation (3-3-1). CEQA: Resolution No. 65459.

C04-102 – District 3

(Continued from 5/3/05 – Item 11.2, et al and 6/7/05 – Item 11.1)

Dropped.

11 PUBLIC HEARINGS

11.4 Public Hearing on Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, located at E. Mission and North 10th Streets.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from LI Light Industrial zoning district to A(PD) Planned Development Zoning District to allow up to 119 single-family attached residential units (18 townhomes and 101 podium apartments) on a 3.1 gross acre site, located at/on the Southeast corner of East Mission Street and North 10th Street (Westmount Square LLC, Owner). SNI: 13th Street. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

PDC04-063 - District 3

(Continued from 6/7/05 – Item 11.11)

Ordinance No. 27475 passed for publication.

Council approved a memorandum from Vice Mayor Chavez, dated June 21, 2005, recommending approval of the Planning Commission and Staff's recommendation to approve, with conditions, the proposed 119-unit Planned Development zoning; with the following requirements: (1) Process an application for a condominium map for the project pursuant to the applicant's request and accept the applicant's proposal to create a common interest development at the site; and (2) Conduct a neighborhood meeting prior to the Director's Hearing for the PD Permit.

11 PUBLIC HEARINGS

11.5 Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 147 single-family attached residences on a 3.9 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 147 single-family attached residences on a 3.9 gross acre site, located at the southeast corner of East Virginia Street and South 5th Street (250 East Virginia Street) (250 E. Virginia LLC, Owner). SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommend approval.

PDC05-029 - District 3

(Continued from 6/7/05 – Item 11.12)

Ordinance No. 27476 passed for publication.

Council approved a memorandum from Vice Mayor Chavez, dated June 21, 2005, recommending approval of the Planning Commission recommendation to approve PDC05-029 with the following direction to staff (consistent with the original November 2003 Council approval): to pursue construction of a signal at 6th and Virginia (as required by the Department of Public Works), that allows conversion to two-way operation of both 6th Street between Virginia & Martha and Virginia between 6th and 7th Streets; and to pursue funding options for the modification of the signal at 7th and Virginia through funds derived from the vacation of a portion of the 6th Street right-of-way to the project (narrowing of the street is currently proposed in the project design)

11.6 Public Hearings on seven Director-Initiated Conforming Rezoning to implement the recommendations of the Burbank/Del Monte Strong Neighborhoods Initiative Plan and the West San Carlos Street Bascom Avenue Economic Development Strategy located within the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily within the West San Carlos Street Neighborhood Business District.

Recommendation: Public Hearings on approval of seven ordinances on Director-Initiated Conforming Rezoning as follows:

- (a) CC01-072: Generally bounded by Interstate 880 to the west, Cecil Avenue to the north, Arleta Avenue to the east and Los Coches Avenue to the south from CN Commercial Neighborhood Zoning District and CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District on an approximately 9.56 gross acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27477 passed for publication.

Item continued on the next page

11 PUBLIC HEARINGS

11.6 Public Hearings on approval of seven ordinances on Director-Initiated Conforming Rezoning as follows (Cont'd.)

- (b) CC01-073: Generally comprised of the frontage properties along West San Carlos Street which is generally bounded by Richmond Avenue to the west, and Buena Vista Avenue to the east from CN Commercial Neighborhood Zoning District, CG Commercial General Zoning District, CO Commercial Office Zoning District, LI Light Industrial Zoning District and RM Multi-Family Residential Zoning District to CP Commercial Pedestrian Zoning District on an approximately 16.1 acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27478 passed for publication.

- (c) CC01-074: Located at the northeast corner of West San Carlos Street and Williard Avenue from LI Light Industrial Zoning District and R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District on an approximately .50 acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27479 passed for publication.

- (d) CC01-075: Located approximately midblock on the north side of West San Carlos Street between Williard Avenue and Meridian Avenue from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District on an approximately .21 gross acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27480 passed for publication.

- (e) CC01-076: Located on the north side of West San Carlos Street approximately 200 feet westerly of Meridian Avenue from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District on an approximately .33 gross acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27481 passed for publication.

- (f) CC01-077: Located on the north side of West San Carlos Street between Grand Avenue and Meridian Avenue from CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District on an approximately 1.64 gross acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27482 passed for publication.

(Item continued on next page.)

11 PUBLIC HEARINGS

11.6 Public Hearings on approval of seven ordinances on Director-Initiated Conforming Rezoning as follows (Cont'd.)

- (g) CC01-078: Generally bounded by Meridian Avenue to the east, Douglas Street to the south, Page Street to the west, and West San Carlos Street to the north from CN Commercial Neighborhood Zoning District, CG Commercial General Zoning District and LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District on an approximately 1.68 gross acre site. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 27483 passed for publication.

CC01-072 thru CC01-078 - District 6
(Continued from 6/7/05 – Item 11.16)

11.7 Public Hearing on Conforming Rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site, located at/on the northwest corner of Story Road and McLaughlin Avenue (1145 Story Road) (Story-McLaughlin Plaza LLC, Kim Hue Nguyen, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

C05-007 - District 7
(Continued from 6/7/05 – Item 11.17)

Heard after Item 12.7(a). Council action taken under Item 12.7(b).

11.8 Public Hearing on Conforming Rezoning from R-1-5 (PD) Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.66 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from R-1-5 (PD) Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.66 gross acre site, located on the east side of South White Road, approximately 300 feet south of Westgrove Lane (3160 South White Road) (Bracamontes Rigoberto Trustee, John D'Amico Jr., Trustee & et al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

C05-010 - District 8
(Continued from 6/7/05 – Item 11.19)

Heard after 12.1(c)(1). Council action taken under 12.1(c)(2).

11 PUBLIC HEARINGS

11.9 Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 32 multi-family attached residences on a 1.42 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 32 multi-family attached residences on an over all 1.65 acre site that includes approximately 0.23 acre of Santa Clara Valley Water District property to accommodate a potential land swap resulting in no net change to the project site area, located at the northeast corner of Almaden Expressway and Coleman Road (15520 Almaden Road) (City of San José, Owner). CEQA: Negative Declaration and Addendum thereto. Director of Planning, Building and Code Enforcement recommend approval.

PDC04-064 - District 10

(Continued from 6/7/05 – Item 11.21)

Ordinance No. 27484 passed for publication.

Direction given to staff to review with the applicant any opportunity to reduce setbacks.

11.10 Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to 202 single-family attached residential units and a public park on an approximately 9.6 gross acre site, located at the northeast corner of Berryessa Road and Oakland Road (Modern Ice & Cold Storage Co., Owner). SNI: 13th Street. CEQA: Mitigated Negative Declaration. Planning Director and Planning Commission recommend approval (5-0-2) with the following conditions:

- (a) The setback for units on Oakland Road from living area to perimeter lot line shall be 15 feet, and for private open space to perimeter lot line shall be 25 feet.
- (b) The setback for units on the private street from the living area to the back of sidewalk shall be 10 feet.
- (c) Residential units shall only side onto Oakland Road and shall front onto Berryessa Road.
- (d) The internal private street right-of-way shall have a minimum dimension of 52 feet with curb, gutter, park strip, and detached sidewalk.

PDC05-014 - District 3

Ordinance No. 27485 passed for publication.

11 PUBLIC HEARINGS

11.10 Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District. (Cont'd.)

Council approved a memorandum from Vice Mayor Chavez, dated June 21, 2005, recommending approval of the Planning Commission recommendation to approve PDC05-014 with the following amended conditions: (1) The setback from units on Oakland Road from living area to perimeter lot line shall be 15 feet and for private open space to perimeter lot line shall be 25 feet for at least one private open space per unit; (2) The setback for units on the private street from the living area to the back of sidewalk shall be 8 feet; (3) To enhance the livability of each unit, residential units should side onto Oakland Road and should front onto Berryessa Road (recognizing that the final configuration will be determined at the PD Permit Phase); (4) The internal private street right-of-way shall be pedestrian friendly and aesthetically pleasing while providing adequate on-street parking and vehicular and emergency access. (5) In addition, accept the following project enhancing features proposed by the Applicant: (a) Turnkey improvements to the dedicated parkland consistent with other neighborhood serving parks (i.e., turf, picnic tables, basketball half-court, tot/youth lot, etc.); (b) Traffic Calming features along Berryessa Road, including a no right turn off Berryessa Road to northbound Oakland Road and medians and/or other features at 15th Street and 16th Street to insure safe pedestrian access to the park; (c) Street improvements to the entire width of Berryessa Road, including curb, gutter and sidewalks as appropriate; (d) Historic lighting along Old Oakland Road and Berryessa Road; and (e) Undergrounding utilities along frontage (to degree feasible); and finally, with an amendment to the recommendation to review the possibility of a street name change from Old Berryessa Road to Taylor/Woodrow Road.

11 PUBLIC HEARINGS

11.11 Public Hearing on and consideration of approvals for a project located on the north side of Curtner Avenue between Monterey Road and Little Orchard Street.

Recommendation: Public Hearing on and consideration of the following approvals for a project located on a 55.4 gross acre site, on the north side of Curtner Avenue between Monterey Road and Little Orchard Street

- (a) PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT for the General Electric Facility Planned Development Zoning (File No. PDC04-029) to allow the development of approximately 646,000 square feet of retail commercial uses on an approximately 55 acre site. The property currently contains the existing GE facility, which consists of office/manufacturing buildings, pavement, and limited landscaping. The project proposes to retain the office portion of the historic GE Motor Plant Building. (SCH # 2004062104). CEQA: Resolution to be adopted.

Dropped.

- (b) PDC04-029 – Approval of an ordinance on a Planned Development Rezoning to allow up to 646,000 square feet of commercial uses.

Ordinance No. 27486 passed for publication.

- (c) SP05-015 – Approval of a Special Use Permit to allow the demolition of all existing buildings on site except the motor plant building (Building E).

Resolution No. 72774 adopted.

- (d) TR05-055 – Approval of a Tree Removal Permit to allow the removal of up to 41 ordinance size trees (larger than 56 inches in circumference) of various sizes and species on the project site.

Resolution No. 72775 adopted.

(General Electric Company, Owner/Developer). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2) with consideration of a modern-style architectural treatment for new buildings within the town center area.

District 7

CEQA Resolution No. 72771 adopted.

Council approved a memorandum from Mayor Gonzales, dated June 20, 2005, recommending approval of Staff/Planning recommendations for this project, specifically, to: (1) Approve the planned development rezoning application; (2) Approve the special use permit to allow demolition of existing structures; and (3) Approve the tree removal permit for the removal of up to 41 trees for reasons of public safety and the economic viability of the project.

11 PUBLIC HEARINGS

- 11.11 Public Hearing on and consideration of approvals for a project located on the north side of Curtner Avenue between Monterey Road and Little Orchard Street.
(Cont'd.)**

Vice Mayor Chavez read into the record the Statement of Overriding Considerations.

Staff directed to ensure the option of utilizing the 2000 to 4000 square foot open space is made available to the community of District 7 and to provide the opportunity for future Councils to determine how to utilize this open space.

- 11.12 Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from County to R-1-8 Residential Zoning District.**

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from County to R-1-8 Residential Zoning District for residential uses on a 0.40 gross acre site, located on the east side of Bercaw Lane, approximately 450 feet southerly of Camden Avenue (Brenda Sutherland, et al, Patrick Sheridan, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval.

C05-044 - District 9

Ordinance No. 27487 passed for publication.

- 11.13 Public Hearing on Planned Development Rezoning from IP District to IP(PD) District located at 5600 Cottle Road (Hitachi Campus).**

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP District to IP(PD) District to allow the reconfiguration of up to 3.6 million square feet of industrial park uses and allow up to 2,930 residential units, up to 460,000 square feet of commercial uses, and up to 13 acres of park and recreational space on a 332 gross-acre site, located in an area generally bounded by Cottle Road to the west, Poughkeepsie Road/Boulder Boulevard to the north, Monterey Highway to the east, State Route 85 and Manassas Road (5600 Cottle Road) (Hitachi GST , Owner and Developer). CEQA: Environmental Impact Report. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

PDC04-031 - District 2

Heard after 12.8(f). Council action taken under 12.8(f).

12 GENERAL PLAN PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

12.1 Tentative approval of General Plan Consent Calendar items.

Recommendation:

- (a) Public hearing on and consideration of tentative approval of the following items located on the southwest corner of Hellyer Avenue and Embedded Way, formerly, Branham Lane East (800 Embedded Way) on an approximately 16.4-acre site. (Carl Berg, Owner and Applicant).

- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with the Mixed Industrial Overlay on a 16.4-acre site. (5-1-1; Campos opposed, Pham absent).

GP04-02-03 - District 2

Staff/Planning Commission recommendation approved.

- (2) PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District to allow indoor recreational uses in an existing 246,302 square-foot industrial building, the addition of approximately 9,000 square feet to the second floor, and additional parking. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of IP(PD) Planned Development Zoning district to allow indoor recreational uses in an existing 246,302 square-foot building, the addition of approximately 9,000 square feet to the second floor, and additional parking. (5-1-1; Campos opposed, Pham absent).

PDC05-004 - District 2

[Continued from 6/7/05 – Item 12.1(a)(1) and (2)]

Ordinance No. 27488 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (b) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial for property located on the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue (2266 Senter Road) on a 3.86-acre site. (Victor J. LoBue, The LoBue Living Trust, Owner/Aaron Barger, Green Valley Corporation dba Barry Swensen Builder, Applicant). CEQA: Mitigated Negative Declaration adopted on May 11, 2005. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial on a 3.86-acre site. (6-0-1; Pham absent).

GP04-07-03 - District 7

[Continued from 6/7/05 – Item 12.1(b)]

Staff/Planning Commission recommendation approved.

- (c) Public Hearing on the following items located at the east side of South White Road (3160 South White Road), approximately 920 feet northerly of Aborn Road on a 0.66-acre site. (Bracamantes 2001 Trust, Owner/ Rigo Bracamantes, Applicant).

- (1) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office on a 0.66-acre site. (6-0-1; Pham absent).

GP04-08-01 - District 8

Staff/Planning Commission recommendation approved.

- (2) PUBLIC HEARING ON CONFORMING REZONING request to change from R-1-5 (PD) Zoning District to CO - Commercial Office Zoning District to allow office uses. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a Conforming Rezoning to change from R-1-5 (PD) Zoning District to CO-Commercial Office Zoning District to allow office uses. (6-0-1; Pham absent). CEQA: Mitigated Negative Declaration.

C05-010 - District 8

Ordinance No. 27489 passed for publication.

[Continued from 6/7/05 – Item 12.1(c)(1) and (2)]

12 GENERAL PLAN PUBLIC HEARINGS

- 12.6 Public Hearing on Tentative Approval of General Plan amendment for property located on the southwest corner of North Capitol Avenue and Autumnvale Drive (1971 North Capitol Avenue and 2450 Autumnvale Drive) on a 4.01-acre site.**

Recommendation: PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property located on the southwest corner of North Capitol Avenue and Autumnvale Drive on a 4.01-acre site. (Autumnvale Associates, Inc., Owner/CW Land Consultants, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommend no change to the General Plan. Planning Commission recommends approval. (5-1-1; Zito opposed, Pham absent).

GP04-04-04 - District 4

(Continued from 6/7/05 – Item 12.2)

Planning Commission recommendation approved.

- 12.7 Public Hearing on the following items located at the northwest corner of the intersection of Story Road and McLaughlin Avenue (1145 Story Road) on a 0.88-acre site. (Kim Nguyen, Owner/Miro Design Group, Applicant).**

Recommendation:

- (a) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial. CEQA: Mitigated Negative Declaration, GP04-07-02. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial. (6-0-1, Pham Absent).

GP04-07-02 - District 7

Staff/Planning Commission recommendation approved.

- (b) PUBLIC HEARING ON CONFORMING REZONING from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District to allow commercial/retail uses. CEQA: Mitigated Negative Declaration, C05-007. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval of a rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses. (6-0-1, Pham Absent).

C05-007 - District 7

Ordinance No. 27490 passed for publication.

[Continued from 6/7/05 – Item 12.3(a) and (b)]

12 GENERAL PLAN PUBLIC HEARINGS

- 12.8 Public Hearing on the following items located on a 332-acre site in an area generally bounded by Cottle Road to the west, Monterey Highway to the east, State Route 85 and Manassas Road to the south, otherwise known as the Hitachi Campus (5600 Cottle Road). (Hitachi GST Owner/Applicant).**

Recommendation:

- (a) PUBLIC HEARING ON THE APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) to change the Land Use/Transportation designation to Mixed Use with No Underlying Designation, update the General Plan Mixed Use Inventory Appendix F, change the maximum height to 120 feet and to designate one or more arterials on the Transportation Diagram. The EIR also allows a Planned Development Rezoning and Development Agreement for the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses, up to 2,930 residential units, up to 460,000 square feet of commercial uses, an up to 13 acre public park and the Edenvale Area Development Policy Modification to provide for inclusion and development of the site. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Dhillon absent).

Dropped.

- (b) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use With No Underlying Designation. CEQA: Resolution to be adopted, GP04-02-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval a General Plan Amendment to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use With No Underlying Designation. (6-0-1; Dhillon absent).

GP04-02-01 – District 2

CEQA Resolution No. 72772 adopted.

- (c) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN TEXT AMENDMENT request to update the General Plan Mixed Use Inventory, Appendix F, and to change the maximum height across the site from 50 feet to 120 feet. CEQA: Resolution to be adopted, GPT04-02-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval a General Plan Text Amendment to update the General Plan Mixed Use Inventory, Appendix F, and to change the maximum height across the site from 50 feet to 120 feet. (6-0-1; Dhillon absent).

GT04-02-01 – District 2

Staff/Planning Commission recommendation approved.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.8 **Public Hearing on the following items located on a 332-acre site in an area generally bounded by Cottle Road to the west, Monterey Highway to the east, State Route 85 and Manassas Road to the south, otherwise known as the Hitachi Campus (5600 Cottle Road). (Hitachi GST Owner/Applicant). (Cont'd.)**

Recommendation:

- (d) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT AND GENERAL PLAN TEXT AMENDMENT staff initiated request to designate one or more arterials on the General Plan Land Use/Transportation Diagram. CEQA: Resolution to be adopted, GP04-02-02 and GPT04-02-02. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Amendment and General Plan Text Amendment to designate one or more arterials on the General Plan Land Use/Transportation Diagram. (6-0-1, Dhillon absent). GP04-02-02 and GPT04-02-02 – District 2

Staff/Planning Commission recommendation approved.

- (e) PUBLIC HEARING ON AND CONSIDERATION OF APPROVAL OF THE EDENVALE AREA DEVELOPMENT POLICY MODIFICATION to provide for inclusion of the site and development of up to 3.6 million square feet of industrial uses, up to 2,930 residential units and up to 460,000 square feet of commercial uses. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of the proposed Edenvale Area Development Policy modification. (6-0-1, Dhillon absent).

Resolution No. 72772.1 adopted, subject to the adoption of Resolution No. 72773, under Item 12.9.

- (f) PUBLIC HEARING ON AND CONSIDERATION OF APPROVAL OF AN ORDINANCE on a Planned Development Rezoning from IP Industrial Park to IP(PD) Planned Development Zoning District to allow the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses and to allow up to 2,930 residential units, up to 460,000 square feet of commercial use, and an up to 13 acre public park. CEQA: Resolution to be adopted, PDC04-031. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of an ordinance on a Planned Development Rezoning from IP Industrial Park to IP(PD) Planned Development Zoning District to allow the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses and to allow up to 2,930 residential units, up to 460,000 square feet of commercial uses and up to 13 acres of park and recreation space. (6-0-1, Dhillon absent). Director of Planning, Building and Code Enforcement recommends approval of the rezoning with revised Development Standards as recommended by staff; Planning Commission recommends approval of an ordinance for a Planned Development Rezoning from IP Industrial Park to IP(PD) Planned Development Zoning. (6-0-1, Pham absent).

Ordinance No. 27491 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.8 Public Hearing on the following items located on a 332-acre site in an area generally bounded by Cottle Road to the west, Monterey Highway to the east, State Route 85 and Manassas Road to the south, otherwise known as the Hitachi Campus (5600 Cottle Road). (Hitachi GST Owner/Applicant). (Cont'd.)**

Recommendation:

- (g) PUBLIC HEARING ON AND CONSIDERATION OF APPROVAL OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT to allow the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses and to allow up to 2,930 residential units, up to 460,000 square feet of commercial uses, and an up to 13 acre public park. CEQA: Resolution to be adopted, DA-Hitachi. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a Development Agreement to allow the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses and to allow up to 2,930 residential units, up to 460,000 square feet of commercial uses and up to 13 acres of park and recreation space. (6-0-1, Dhillon absent). (Planning, Building and Code Enforcement)

District 2

Ordinance No. 27492 passed for publication.

- 12.9 Adoption of a resolution approving all General Plan amendment actions taken on June 21, 2005.**

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on June 21, 2005, together with adoption of all related CEQA EIR findings resolutions. (Planning, Building and Code Enforcement)
(Continued from 6/7/05 – Item 12.4)

Resolution No. 72773 adopted.

- **Open Forum**

None.

- **Adjournment**

The Council of the City of San José was adjourned at 8:21 p.m. in memory of Nancy Louise McWard, Mother of Jennifer Maguire, Assistant Budget Director.